



# Austin City Council MINUTES

For APRIL 11, 1985 - 1:00 P.M.

Council Chambers, 307 West Second Street, Austin, Texas

## City Council

Ron Mullen  
Mayor

John Treviño, Jr.  
Mayor Pro Tem

Council Members  
Mark Rose  
Roger Duncan  
Sally Shipman  
Mark E. Spaeth  
Charles E. Urdy

Jorge Carrasco  
City Manager

Elden Aldridge  
City Clerk

## Memorandum To:

*me*

Mayor Mullen called to order the meeting of the Council, noting the absence of Councilmember Spaeth.

## MINUTES APPROVED

The Council, on Mayor Pro Tem Trevino's motion, Mayor Mullen's second, approved minutes for regular meetings of October 20, 1983 and April 4, 1985. (5-0 Vote, Councilmember Urdy out of the room.)

## CONSENT ORDINANCES

The Council, on Mayor Pro Tem Trevino's motion, Councilmember Rose's second, waived the requirements for three readings and finally passed the following ordinances in one consent motion: (6-0 Vote)

### Operating Budget Amendment

Amended the 1984-85 Operating Budget by:

- a. Appropriating \$200,551.00, \$324,320.00 and \$11,000.00 from the ending balance of the General Fund, Growth Services Fund, and the Water and Wastewater Utility Fund to fund costs associated with the renovation of the Municipal Annex, purchase of modular furniture, and Public Works' move to One Texas Center.
- b. Accepting \$218,073.00 from the Texas Department of Health to fund the High Risk

Neonatal Infant Demonstration Project and the High Risk Maternity Program.

- c. Accepting \$18,000.00 from the Texas Department of Health to purchase computer equipment and supplies.
- d. Accepting \$30,006.00 from the Texas Department of Health to provide AIDS related counseling and services.

Code Amendment

Amended the Code of the City of Austin, 1981, Chapter 9, Rivers, Lakes and Watercourses:

- a. Division 5, Lake Austin Watershed, to enhance effectiveness of prosecution of violations in the Municipal Court.
- b. Division 4, Barton Creek Watershed, to enhance effectiveness of prosecution of violations in the Municipal Court.
- c. Division 2, Aquifer-Related Williamson Creek Watershed, to enhance effectiveness of prosecution of violations in the Municipal Court.
- d. Division 3, Aquifer-Related Slaughter, Bear, Little Bear and Onion Creek Watersheds, to enhance effectiveness of prosecution of violations in the Municipal Court.

Item to Be Brought Back

Consideration of an ordinance amending Ordinance No. 830921-DD relating to Parks and Recreation Department Annual Multi-entry fees will be back on the agenda April 25, 1985.

Zoning Ordinances

Amended Chapter 13-2 of the Austin City Code (Zoning Ordinance) to cover the following changes:

- a. NHS HOMES, INC.                      4825 E. Riverside Drive      From "SF-3" to "LO"  
By T. J. Morton  
C14-84-098

- b. T.K.G. PROPERTIES 4004-4034 Airport From "SF-3" to "LO"  
By Willie J. Kopecky, Boulevard  
Jr.  
C14-83-307
- c. CITY OF AUSTIN 8204-8408 Loyola Lane From "GR" to "MF-2"  
By Office of Land  
Development Services  
C14-84-460  
( emergency passage of ordinance)
- d. JOYCE AND ISSAM KUSSAD 7400-7406 South From Interim "RR" to  
By Charles D. Congress Avenue to "GR"  
Primeaux  
C14-84-456
- e. RANDY MORINE 7430 Fire Oak Drive From Interim "RR" to  
By Robert W. Jackson Yaupon Drive, Yaupon "SF-1"  
C14-84-424 Cove, Feign Lane,  
Windslope Ridge Cove
- f. CAROLYN JANE COLLINS 622 & 624 W. St. Johns From "SF-3" to "LO"  
By Clarence Bose  
C14-84-406  
( emergency passage of ordinance)
- g. LORI E. HILLIS & 2101-2105 Howard Lane From Interim "RR" to  
MARK S. HILLIS and Boricco Lane to "LI"  
C14-84-437
- h. CITY OF AUSTIN 8931-8969 Research Blvd. From Interim "SF-3"  
By Office of Land to "LI"  
Development Services  
C14-73-253 (part)
- i. 146 JOINT VENTURE 5900-6100 Ed Bluestein From Interim "SF-3"  
By W. M. Faust Boulevard to "LI"  
C14r-84-304

(emergency passage of ordinance)

(5-0 Vote, Mayor Mullen abstained, Councilmember Spaeth  
absent)



Eminent Domain Proceedings

Authorized Eminent Domain proceedings to acquire waterline easements along South IH 35:

- a. 0.018 acre waterline easement out of Lot 1A of the Rosa J. Spillman Estate Subdivision, Travis County, Texas. (George Spillman, owner)
- b. 0.2534 acre waterline easement out of the 138.227 acre tract described in a deed recorded in Volume 5871, Page 2360 of the Travis County Deed Records. (Abel Theriot, owner)

Release of Easements

Authorized release of the following easements:

2. Consider authorizing release of the following Easements:
  - a. A portion of the Drainage Easement on Lot 91, Milwood 15-A P.U.D. (Request submitted by Carlson & Dippel, Inc., on behalf of Bill Milburn Company)
  - b. The 5' wide Public Utility Easement on the side lot lines of Lot 40, Enfield G, 1810 Niles Road. (Request submitted by Ms. Paula Bell)
  - c. The 50' wide Public Utility Easement on Lot 4, Block A, Global Subdivision and a portion of a Blanket Electric Easement recorded in Volume 408, Page 261, of the Travis County Real Property Records insofar as it affects Lot 4, Rutherford Lane @ Cameron Road. (Request submitted by Baker-Aicklen and Associates)
  - d. Portions of Overflow Easements recorded in Volume 107, Page 135, Volume 129, Page 575, Volume 136, Page 122, Volume 274, Page 498 and Volume 274, Page 526, of the Travis County Real Property Records insofar as they affect Hermosa Office Park, P.U.D., Easements dedicated by the subdivision plat will remain. (Request submitted by Ambrust & Brown on behalf of Doyle Wilson)
  - e. A portion of a Blanket Electric Easement recorded in Volume 660, Page 209 of the Travis County Real Property Records insofar as it affects a 96.527 acre tract of land out of the Jose Antonio Navarro Survey, Travis County, Texas, Pierce Lane at Fincher Road. (Request submitted by Rick M. Albers)
  - f. The 15' Public Utility Easement on the common lot line of lots 9 and 10, Commercial Square Subdivision, Bastrop Hwy. @ Thompson Lane. (Request submitted by Mr. Lyles Houston)

License Agreements

Entered into the following License Agreements:

- a. To allow the encroachment of a bridge over the 40' Drainage Easement on the Westhill 2700 Subdivision. (Request submitted by the Carter Investments)
- b. To allow the encroachment of a crossing into a Drainage Easement on Lot 1, Block C, Chevy Chase South, Phase 4, Section B, East Oltorf at Wickersham Lane. (Request submitted by Bury & Pittman, Inc.)
- c. To allow the subsurface encroachment of piers and caps and a retainer wall into the public right-of-way adjoining Block 38, Original City of Austin. (Request submitted by Jones, Day, Reavis & Pogue on behalf of their client One Capitol Square, Ltd.)
- d. To allow the encroachment of a bridge into the San Jacinto Street right-of-way and into the Drainage and Public Utility Easement at 2818 San Jacinto Street. (Request submitted by Mr. Bobby Houston of the University of Texas)

Leases

Entered into a lease with Morin M. Scott, Trustee, for the Communications Department.

Entered into a lease with L & K Shoal Creek Center Partnership for the Building Inspection Department. (North Substation)

Paving Assessment Policy

Approved amendments to the Paving Assessment Policy.

Capital Improvements Program

Approved acquisition of a tract of land for the Spicewood Springs Road/Mesa to 1,800' West Project (Spicewood Baptist Church) CAPITAL IMPROVEMENTS PROGRAM No. 78/62-31.

Entered into a Community Facilities Contract with Crow-

Gottesman-Shafer #2, a Texas Limited Partnership for the construction of Braker Lane and Metric Boulevard within Kramer Lane 65, Section 3, CAPITAL IMPROVEMENTS PROGRAM No. 83/62-02.

Approved the following Change Order:

- a. In the amount of \$113,165.00 to Pat Canon Excavating Company for the Upper Shoal Creek Wastewater Interceptor Phase II-A. (7.3% increase of the original contract) C.I.P. No. 72/23-16

Contracts Approved

Approved the following contracts:

- a. AUSTIN ROAD COMPANY  
428 E. Anderson Lane  
Austin, Texas  
- CAPITAL IMPROVEMENTS PROGRAM -  
Construction of Community  
Development District #12 - Phase 2,  
Public Works Department -  
\$190,817.20 C.I.P. No. 76/62-15
- b. CHRIS HEIDRICK, INC.  
7117 Woodhollow  
Austin, Texas  
- CAPITAL IMPROVEMENTS PROGRAM -  
Prototype Rest Rooms and Rest Room  
Renovations at Festival Beach Park,  
Garrison Park, Govalle Park,  
Northwest District Park, Little  
Stacy Park and Westenfield Park,  
Public Works Department -  
\$257,031.00 C.I.P. Nos. 83/86-49,  
73/86-13, 82/86-74, 75/86-63,  
78/86-06 & 73/86-46
- c. CONSTRUCTORS & ASSOCIATES  
702 Colorado, Suite 610  
Austin, Texas  
- CAPITAL IMPROVEMENTS PROGRAM -  
Remodeling of the Dougherty Arts  
Center, Public Works Department -  
\$45,429.00 C.I.P. No. 82/86-64
- d. SAFI AND ASSOCIATES (MBE)  
2317 Coronado Street  
Austin, Texas  
- CAPITAL IMPROVEMENTS PROGRAM -  
Construction of Sidewalk and  
Sidewalk Ramp Improvements, Morrow  
Street (from Grover Drive to Lamar  
Blvd.) and Anderson Lane (from  
Shoal Creek Blvd. to Burnet Road)  
including Water Meter Relocations,  
Public Works Department -  
\$80,858.50 C.I.P. Nos. 82/61-03 &  
84/61-03

- e. WINDRIDGE-BOYD, INC.  
6505 Brownwood Court  
Austin, Texas
- CAPITAL IMPROVEMENTS PROGRAM -  
Sitework, Foundations, Manholes,  
Metal Building, Fencing, and  
Underground Conduit System for  
Slaughter Lane Substation, Electric  
Utility Department - \$195,975.00  
C.I.P. No.81/16-02
- f. B & B LANDCLEARING CO., INC.  
1212 Old Bastrop Hwy.  
Austin, Texas
- CAPITAL IMPROVEMENTS PROGRAM -  
Installation of Underground  
Electric Distribution Facilities  
for Onion Creek 6-A, Electric  
Utility Department - \$35,187.74  
C.I.P. No. 84/15-01
- g. GENERAL ELECTRIC COMPANY  
Electric Utility Sales  
1550 NE Loop 410, Suite 206  
San Antonio, Texas
- CAPITAL IMPROVEMENTS PROGRAM -  
Seventeen (17) groups of  
Protective Relays, Electric Utility  
Department - \$370,136.00 C.I.P.  
Nos. 83/16-02, 85/16-11, 83/16-03,  
85/16-13, 83/16-05, 85/16-09,  
79/16-05 & 85/16-05
- h. Contract amendment:
- Turbine-Generator and Boiler  
Maintenance, Electric Utility  
Department - \$175,000.00  
84-S376-LI
- (1) WESTINGHOUSE ELECTRIC CORP.  
(principal contractor)  
1455 West Loop South  
Houston, Texas
- Seaholm Units - \$40,000.00
- (2) GENERAL ELECTRIC COMPANY  
(principal contractor)  
7100 Regency Square  
Houston, Texas
- Holly Unit #4 - \$70,000.00
- (3) Other later-to-be determined  
suppliers as needed for  
support of all units
- \$65,000.00
- i. SOUTHWEST SURGICAL SYSTEMS  
P. O. Box 3732  
Austin, Texas
- Catheters, Brackenridge Hospital  
Twelve (12) Month Supply Agreement  
Items 1-9 - \$73,990.52 BS5-1107
- j. JOHNSON LABS  
P. O. Box 20086  
Towson, Maryland
- Sceptor Systems Supplies,  
Brackenridge Hospital  
Twelve (12) Month Supply Agreement  
Items 1-9 - \$79,740.44 BS5-1100

- k. WHITTAKER GENERAL MEDICAL  
610 Lanark #A101  
San Antonio, Texas
- Medical Items, Brackenridge Hospital  
Twelve (12) Month Supply Agreement  
Items 1-3 & 6-12 - \$38,116.44  
BS5-1098
- l. AMERICAN HOSPITAL SUPPLY  
Rt. 1, Box 204  
Mt. Calm, Texas
- Medical Supplies, Brackenridge Hospital  
Twelve (12) Month Supply Agreement  
Items 2, 4, 5, 6, 7, 8, 9, 10, 11,  
12, & 13 - \$33,700.92 BS5-1085
- m. THREE M  
2121 Santa Anna Avenue  
Dallas, Texas
- Electrodes, Brackenridge Hospital  
Twelve (12) Month Supply Agreement  
Item 1 - \$26,880.00 BS5-1092
- n. THE FISCHER MANGOLD GROUP  
24 Happy Valley Road  
Pleasanton, California
- Contract amendment for emergency  
Care Services for Brackenridge  
Hospital  
\$17,000 per month increase
- o. UNION METAL CORPORATION  
709 Lingco Suite 101  
Richardson, Texas
- Streetlight Poles & Related  
Hardware, Central Stores Division  
Items 1-4 - \$55,620.00 85-0172-AV
- p. Bid award:
- Water & Wastewater Standard Items,  
Water and Wastewater Department  
Six (6) Month Supply Agreement  
Bids to be awarded by progressive  
purchasing method from low to high  
bid with recommended awards based  
on low bid.  
Total \$226,475.00 85-0164-QM
- (1) AUSTIN PIPE & SUPPLY CO.,  
INC.  
300 Medina  
Austin, Texas
- Items 2, 130, 137, 144, 147, 151,  
155, 197, 199, 200, 204, 205, 281-  
304, 363, 385, 439-444, 476-477
- (2) TRANS-TEX SUPPLY  
4618 E. 7th Street  
Austin, Texas
- Items 1, 3-9, 12-48, 91, 93-97,  
101-112, 117-127, 129, 138-139,  
141-143, 146, 157-177, 182-194,  
196, 198, 201, 203, 206-207,  
209-214, 216, 308-310, 327-328,  
355-362, 364-369, 371, 375-384,  
399-403, 405-412, 428, 430, 451-469  
and 478-481
- (3) INDUSTRIAL INTERNATIONAL,  
INC.  
8100 Ferguson Cut-off  
Austin, Texas
- Items 10-11, 92, 98-100, 113-116,  
128, 145, 178-181, 202, 311-319,  
370, 372-374, 427, 429, 470-471

- q. CENTRAL TEXAS EQUIPMENT COMPANY  
127 E. Riverside Drive  
Austin, Texas - Two (2) additional and two (2)  
Replacement Truck-mounted Cranes,  
Vehicle & Equipment Services  
Department  
Total \$132,320.00 85-0101-MB
- r. RED SIMON FORD  
1303 IH-35 South  
San Marcos, Texas - Compact Station Wagons, Vehicle  
and Equipment Services Department  
Total \$52,197.00 85-0178-MB
- s. PLAINS MACHINERY COMPANY  
2235 Northwest Loop 410  
San Antonio, Texas - Tractor Bulldozer, Vehicle &  
Equipments Services Department  
Total \$132,118.00 85-0080-DC
- t. Bid award: - Ready Mix Concrete, Various City  
Departments  
Twelve (12) Month Supply Agreement  
Bids to be awarded by low bid or  
progressive purchasing procedure  
from low to high bid.  
Total \$318,000.00 85-0146-AV
- (1) CENTEX MATERIALS, INC.  
2525 Wallingwood Road  
Austin, Texas - Items 2, 3, 4, 5, 8, & 9 and serve  
as backup source on Items 1, 4 & 7
- (2) TEXAS INDUSTRIES, INC.  
825 Ed Bluestein Blvd.  
Austin, Texas - Items 1, 4, & 7 and serve as backup  
source on Items 3, 6 & 9
- (3) CUSTOM-CRETE, INC.  
4433 Terry-O Lane  
Austin, Texas - To serve as backup source on  
Items 1, 2, 4, 5, 6, 7 & 8

#### Water Line & Water Site Agreement

Approved a water line and water site agreement with the Aqua Water Supply Corporation.

#### Contract with Texas Department of Health

Renewed the annual contract with the Texas Department of Health as amended for the period beginning October 1, 1984 through September 30, 1985.

#### Grant Application

Approved a grant application to the Texas State Library to provide Interlibrary loan.

Out-of-District Service

Approved request for Out-of-District Service by the Village at Western Oaks MUD. (Wastewater)

Approved request for Out-of-District Service by the Village at Western Oaks MUD. (Water & Wastewater)

Approved request for Out-of-District Service by the Southland Oaks MUD. (5-0 Vote, Mayor Pro Tem Trevino abstained due to possible conflict of interest, Councilmember Spaeth absent.)

Public Hearings Set

Set public hearings on the following:

- a. To consider designating an Eligible Blighted Area:

May 9, 1985 at 2:30 p.m.

- b. An appeal from Ms. Janet Klotz of the Planning Commission's decision on Special Permit (Site Plan) No. C14p-84-110, Cricket Hollow Apartments:

May 2, 1985 at 7 p.m.

Bond Anticipation Notes

Approved the issuance of \$3,750,000 in Bond Anticipation Notes by the North Central Austin Growth Corridor MUD No. 1.

Eminent Domain Resolution

Amended the Eminent Domain Resolution approved by Council on January 17, 1985. (Owners: Charles Maund and Douglas C. Maund, Trustees of the Mark Lindsey Maund Irrevocable Trust and Douglas C. Maund Individually.)

REQUEST WITHDRAWN

Applicant withdrew his request for Out-of-District Service by the North Central Austin Growth Corridor MUD.

**LAMAR FINANCIAL PLAZA**

The Council, on Councilmember Rose's motion, Mayor Mullen's second, passed through **FIRST READING ONLY** of an ordinance waiving the remainder of the 90-day review period for the Lamar Financial Plaza. (C16-84-012) (4-2 Vote, Councilmembers Duncan and Shipman voted No, Councilmember Spaeth absent)

**AERIAL PASSAGEWAY - GUADALUPE STREET**

The Council, on Councilmember Rose's motion, Mayor Mullen's second, adopted a resolution allowing the encroachment of an aerial passageway into the Guadalupe Street right-of-way 600 block. (Request submitted by Armbrust & Brown on behalf of Realty Development Corporation. (4-2 Vote, Councilmembers Duncan and Shipman voted No, Councilmember Spaeth absent)

**FERN BLUFF MUD**

The Council, on Councilmember Rose's motion, Mayor Pro Tem Trevino's second, waved the requirement for three readings and finally passed an ordinance consenting to the creation of Fern Bluff MUD as follows: (6-0 Vote)

I move that we approve the Fern Bluff Municipal Utility District subject to the following:

1. Sewer facilities - the District should have authority to bond and build those facilities necessary to participate through Austin in the regional facility, in addition to collection system facilities. If the regional system is not implemented for any reason, the District may receive and bond wastewater service from Round Rock.
2. District will bond its full pro-rata share of the Regional sewer system in lieu of paying our wastewater capital recovery fee.
3. Water facilities - the District should have the authority to issue bonds for off-site facilities (mains and storage) to hook into the Round Rock city system, in addition to distribution system facilities.
4. In the event the District constructs the easternmost detention pond shown on the Land Plan, it shall provide filtration for the runoff. If the pond is not used, the District will filter run-off from the office and commercial sites on the east tract as designated on the land plan.
5. The consent agreement will contain the general requirements such as landscape ordinance, site plans, waterway development, sign ordinance, Building Code, and building inspection.

6. The District will agree that at least 90% of facilities will be in place by the end of 8 years.
7. The District shall be permitted Growth Area III bonding authority and surcharge calculation the same as the other districts we have approved since Maple Run.
8. The Applicant shall be required to dedicate the normal amount of park acreage - 10 acres per 1000 population, the general location to be as shown on the land plan and agreed to by the Applicant and City staff. The Applicant shall also donate \$200.00 per L.U.E. for improvements with the applicant being given the opportunity to construct the improvements themselves as with prior districts.
9. The Applicant shall be required to convey a school site to the Round Rock school district, to be a minimum of 12 acres plus 6 acres of park and joint use land and at the location agreed to by the school district and the applicant under terms which have been agreed upon by the school and the applicant.
10. The consent agreement should include a provision that prohibits incorporation of a city within the District.
11. The land plan we are approving in conjunction with this district is attached. Staff and applicant agree Arterial 2 will be within the boundaries of the MUD.
12. Request the staff to bring final consent agreement to council in thirty days.

#### GIFT OF PARKLAND AND SCULPTURE FROM CHARLES UMLAUF

Councilmember Shipman introduced an item from Council to consider accepting a gift of parkland and a sculpture garden from Charles and Angeline Umlauf and made the following motion:

#### Motion

I would like to move acceptance of the Umlauf property by the City of Austin, subject to the final development of a partnership between the City of Austin and their foundation with respect to maintenance, programming and availability of this facility to the Austin public. Mayor Pro Tem Trevino seconded the motion.

Councilmember Rose spoke against the motion and stated, "I think that as generous as the gift is, I believe the proposal should be reviewed by the Arts Commission and Parks and Recreation Board before the City would enter into that contract. There has been a fair amount of discussion on it but we are accepting some operational liabilities. The operation of the Elisabet Ney Museum is not a

small enterprise for the City of Austin. It is a major undertaking of which, foundation or not, we have contributed several hundreds of thousands of dollars for renovation and operation of the museum. I don't have any bone to pick with Mr. Umlauf. I think it is a generous gift and I hope something acceptable to the City can be worked out but I don't think we should accept such a major undertaking and not have it reviewed by the Arts Commission which I think it is within their purview to do since they do have responsibility for art in public places and also receive comments from the Parks and Recreation Board."

Councilmember Duncan said he is a great admirer of Mr. Umlauf's work, but he wants to be "sure when the City finally takes control of this museum that it will be open to the public in terms of meaning space, of the ability of displaying other art and so forth. If the City takes over the financial responsibility it needs to be a place available to other exhibitions, meetings, etc." Mr. Carrasco, City Manager, stated those are some of the details that could be part of direction Councilmember Shipman is including in the motion. Things such as maintenance, programming and access to the general public will be among the topics incorporated. Councilmember Duncan stated, "I would like to see it come back to us." Councilmember Rose asked, "How can you accept the gift if you haven't worked those kind of items out. That's what I haven't understood all this week."

Councilmember Shipman said, "I think it is similar to a library that was accepted about a year and a half ago that did not go to the Library Commission or Planning Commission but it was such a generous gift Council chose to accept the gift...the northeast Austin library donated by the Carrington family." Councilmember Rose said that was the land site and the building would go through the CIP process. Councilmember Shipman stated, "In this case we have a million dollar endowment provided by the Austin Community Foundation and the City Manager is in the process of working out the partnership for the operation, maintenance and public access to the facility. It is my understanding the City Manager and the attorney for this family have been discussing this and are ready to present a final document to Council forthcoming, so we have to accept the gift before we can proceed further." Councilmember Rose asked, "We have a million dollars in hand?" Mr. Carrasco said it is his understanding there is a commitment to raise this through the Austin Community Foundation. Councilmember Rose pointed out there is not a million dollars that can be placed in the fund. He said the plan is to raise the money from the community.

City Manager Carrasco stated, "The acceptance will be conditional, subject to these things being worked out." Councilmember Duncan asked who would make the final decision as to whether they have been worked out. Councilmember Shipman said Council does. She said if Council does not accept the gift it may be withdrawn as it has been in the process for two years.

Mayor Pro Tem Trevino said this could be passed subject to conditions being met. "We do this all the time. We talk about zoning cases or other things. I'm a little partial to the Umlauf family. I went to school with one of their sons." Councilmember Rose stated, "I have no criticism whatsoever of the Umlauf's or the generosity of their gift but we have certain serious responsibilities and some processes we should attempt to honor. In some fashion or the other there should be some opportunity. I am not trying to cause a great time delay in this at all but to ignore the advice of the Arts Commission is one concern and when I heard the motion I did not hear it conditional upon all the things that we have talked about. That is not what the motion clearly identified. We have to be very up front about that so the Umlaufs will understand the conditions that will have to be met in order for us to take over the facility."

Mayor Mullen asked if it is a gift, or if certain things are not done it will revert back to the family.

Beverly Scarbrough, who has been working with Roberta Crenshaw and the Umlaufs, said, "What we are asking for today is a committment from the City to take the land. It realistically, is going to be difficult to raise an endowment for the Umlaufs for this garden without something in writing, somewhere. We had hoped that all of these other things could be worked out..the maintenance of the ground, with inputs from the Parks and Arts commissions."

Councilmember Rose asked, "What restrictions are put on the use of the land?" Ms. Scarbrough said "As I understand it the only stipulation is that it remain a sculpture garden for Charles Umlauf." Councilmember Rose asked if this precludes using the grounds for other programs, exhibits, other art and sculpture? Ms. Scarbrough said those are some of the things that will have to be worked out with Parks Board, Art Commission and the Umlaufs.

Mrs. Umlauf said every museum has a board and it decides these things.

Jim Williams, attorney who has worked with the Umlaufs, said he can answer questions. Mayor Mullen said, "A lot of times these things have a clause in there that if they don't do certain things the land reverts back." Mr. Williams said that is the situation. Mayor Mullen stated, "Since that is the situation, if the City Council does not like what you propose we just say no and it reverts back to the Umlaufs. It is a situation where any time the City does not like what is going on they do something different there and the land is gone and goes back to the Umlaufs."

Councilmember Rose asked if it could work so anytime the Umlaufs or somebody else doesn't like what the City does there... what could we have expended during that process? All I ask is, "What restrictions are on the gift?"

Mr. Williams stated, "The gift deed speaks for itself in that connection and in summary the deed is subject to the conditions that the land be maintained in perpetuity as an Umlauf sculpture park and garden and the improvements be maintained as a museum for the display of Professor Umlauf's work. Should that condition fail, and by condition it could not fail during the lifetime of the Umlauf's since the gift does not take effect until the death of the last of them to die. Should that condition fail then there is a provision for the benefit of the Austin Community Foundation which would enable them to be the enforcers of the conditions and in the event the City failed to maintain it as a park and sculpture garden and a place for the display of Professor Umlauf's work, the Austin Community Foundation could, if it chose, step into the City's shoes and take it over."

Councilmember Rose stated, "And it's only Professor Umlauf's work." Mayor Mullen asked, "Is the City expected to expend funds on the project?" Mr. Williams stated, "I think that is implicit in the sense it would be difficult to carry out the purpose of the gift without any expenditure of funds although I think the committment Mrs. Crenshaw and her task force is making is an effort to raise an endowment which would, if things proceed in an orderly fashion and are successful in their fund raising and the Umlaufs live there their normal life expectancy would create a fund which would greatly offset the financial obligations the City would be undertaking to maintain the park and museum."

Charles Jordan, Parks and Recreation Director, discussed the deed and said the concern they had was the City wants to be a full partner in this in case there is a decision by anyone to change the use of this facility we may have invested a lot of money there and we want to have some say as to where it is going. That's our concern and I think that the real work is going to be during the contract negotiations. Once we sign the deed we have the land and the property is ours and then we must work with the foundation or any committee that is formed to work out a contract and it is there that we talk about programming and investments, etc.

Councilmember Duncan again questioned if other people's work can be displayed there. Mr. Williams said the grounds as they are now used and the house as it now exists with the sculpture pieces being given in connection with the gift of the land are such that it would be difficult to do anything other than use it exclusively for the display of Umlauf work. If the City chooses to improve the park and to build additional or larger facilities that would have a gallery to enable the showing of other works, that would be something that would be possible.

Mayor Mullen said it sounds like they still have a lot of opportunities to do something about this that may not have been apparent when this was first begun. "I think we can come back later

and if we don't like the final draft we'll just say so. It appears to me all the concerns are out on the table now and if we wish to vote on this today and then it's not final. It's the beginning of the process, basically."

Motion Re-Stated

Councilmember Shipman stated, "I'd like to read the motion again, the same motion I stated previously but I would like to precede it by (1) Council did accept the land gift of a library in one fell swoop when the neighborhood objected to it, and (2) we debated six months ago, agonized over \$40 million worth of property adjacent to Zilker Park that we contemplated putting before the voters and we did put \$2 million before the voters for two acres of land, less than two acres, and we have incurred maintenance for that and we will have to develop that. We'll have to spend a great deal of money. So I think this is a very generous gift. My motion is I would like to move acceptance of the Umlauf property by the City of Austin, subject to the final development of a partnership between the City of Austin and their foundation, with respect to maintenance, programming and availability of this facility to the Austin public." Mayor Pro Tem Trevino seconded the motion.

Councilmember Rose responded by saying, "There is no connection between my comments about the Umlauf museum and the Barton Oaks project which was the result of a lawsuit settlement over several years period of time. I'm pointing out to the Council, having served two terms on the Parks and Recreation Board, having been chairman of the Elisabet Ney Museum renovation program, and I have a mother who was president of the Texas Fine Arts Association and who handled the transfer of Laguna Gloria over to the state, I do recognize, I don't say it is not a happy burden that the City should share, but I do recognize the long term financial committment on the part of the City, with the exception of the gifts. I think the Umlaufs are making that clear to us. I would make that clear if I was proposing to give my land to the City of Austin. I think it needs to be recognized. It needs to be spelled out that in my mind there are some negotiations that have to take place and if the contract is too tightly written and doesn't give us the flexibility to justify the long term financial committment that we are going to make to preserve over, I hope, many, many generations of Austinites, then I will raise an objection when the contract comes back to Council."

Councilmember Urdy said this is not comparable to the northeast Austin library site and he shares some of the same concerns. He said that was his neighborhood and that land site was preferred by the neighborhood affected. Councilmember Urdy said the Parks Board and Arts Commission should review the issue under discussion.

Councilmember Rose stated, "I think we can accept the gift, having discussed all this and it being on tape and I think if those discussions are going to go on about what the Umlaufs

expect from the City. I think through that process staff can provide an opportunity for the Arts Commission and Parks and Recreation Board to have their input. I wasn't so much saying postpone it postpone it, let's send it over there and bounce it around. Let's at least get it out front and talk about it so everybody knows our responsibility."

Roll Call on Motion

6-0

CONTRACT APPROVED

The Council, on Councilmember Shipman's motion, Councilmember Rose's second, approved the following contract:

IBM CORPORATION  
505 Barton Springs Road  
Austin, Texas

- Twenty (20) Microcomputer Systems  
and four (4) Printers,  
Communications Department  
Total \$96,156.00 85-S314-LK

4-1-0 Vote, Councilmember Urdy voted No, Mayor Pro Tem Trevino out of the room, Councilmember Spaeth absent.

REQUEST DEFERRED

Council had before them a resolution to consider request from Texas Retired Teachers Association to name the new Multi-Purpose Room at the Senior Activity Center.

George Bray, Bill Mays, Jack Heacock and Roberta Hartong all addressed Council concerning the naming of the room.

Charles Jordan, PARD director, said this should be presented to the Senior Citizen Center Board for review. Council agreed.

PUBLIC HEARING

Mayor Pro Tem Trevino opened the public hearing set for 2:15 p.m. on an appeal from Mr. Ken Aicklin of a Waterway Development Permit application denial for 5300 Burnet Road. 85-01-4332

Tom Hansell, Office Land Development Services, spoke. No one else appeared before Council.

Motion

The Council, on Councilmember Duncan's motion, Councilmember Shipman's second, closed the public hearing and approved the appeal from Mr. Ken Aicklin of a Waterway Development Permit application denial for 5300 Burnet Road. 85-01-4332. (4-0 Vote, Councilmember Spaeth absent, Mayor Mullen and Councilmember Rose were out of the room.)

## PUBLIC HEARING - APPLICATION FOR FEDERAL FUNDING

Mayor Pro Tem Trevino opened the public hearing set for 2:30 p.m. on application for Federal Funding under Section 3 of the Urban Mass Transportation Act of 1965, as amended.

Allen Brecher, Director of Urban Transportation, discussed the funding. No one else appeared to be heard.

Motion

The Council, on Councilmember Shipman's motion, Councilmember Duncan's second, closed the public hearing and approved application for Federal Funding under Section 3 of the Urban Mass Transportation Act of 1965, as amended. (5-0 Vote, Mayor Mullen was out of the room.)

## REQUEST FOR RECREATION CENTER

Mr. Andrew Guerrero appeared before Council to discuss the need for a new recreational center and swimming pool relocation near Houston Recreation Center. Miss Phyllis Rogers and Rev. Emilio Garza Jr., appeared to also request the pool and recreation center.

## CITIZEN DID NOT APPEAR

Mr. Barry Siler, who had requested to discuss utility easement located at 11619 Fast Horse, did not appear.

## FORTUNE 500 LETTER

Mr. Ed Hanslik, Chairman of the Board of Austin Chamber of Commerce, appeared before Council to discuss the proposed Fortune 500 Letter.

## DUES CHECK OFF

Mr. Michael R. Mulligan requested emergency approval of dues checkoff or amendment to City Personnel Policy. City

Manager Carrasco said staff is checking into the feasibility and will need until the latter part of May to complete. Mayor Pro Tem Trevino feels this is an item to be studied during budget hearings.

#### VARIANCE REQUEST DENIED

Mr. Will R. Wilson of Orion Homes, Inc. requested variance from the septic tank ordinance to install a grey water system for a septic tank system in the subdivision of Woodhue Heights. No action was taken so request was denied.

#### MOONLIGHT TOWERS

The Council, on Councilmember Shipman's motion, Councilmember Duncan's second, approved the request of the Historic Landmark Commission that Council consider specifically designating the funds obtained as a result of the legal action in the loss of the Moonlight Tower at 23rd and Red River for physical barriers to protect remaining Towerlights. (4-0 Vote, Councilmember Rose and Mayor Mullen out of the room, Councilmember Spaeth absent)

#### METROPOLITAN GOVERNMENT

John Grounoski, Joint Commission on Metropolitan Government, appeared before Council to say they should move forward on approving an RFP for consultant services.

##### Motion

The Council, on Councilmember Duncan's motion, Councilmember Shipman's second, voted to proceed with request for approval (RFP) for consultant services on metropolitan government. (4-0 Vote, Mayor Mullen, Councilmember Rose out of the room, Councilmember Spaeth absent)

#### NORTHEAST AUSTIN TASK FORCE REPORT

Jody Anderson, Northeast Austin Task Force, showed Council a video tape presentation of plans for the future in their area.

##### Motion

The Council, on Councilmember Shipman's motion, Councilmember Urdy's second, accepted the report and directed the Planning Commission and Planning and Growth Management Department to use the report as a tool in their planning. (5-0 Vote, Mayor Mullen out of the room, Councilmember Spaeth absent.)

## ELECTRIC UTILITY COMMISSION REPORT

Merle Moden appeared before Council as a member of the Electric Utility Commission to discuss their recommendation concerning hook-up fees. They believe the fees should be raised from \$250 to \$400 for house to pole for residences and from \$425 to \$1700 for commercial hook-ups.

Motion

The Council, on Councilmember Shipman's motion, Councilmember Duncan's second, voted to set a public hearing for May 30, 1985 at 4 p.m. on the recommendation of the Electric Utility Commission concerning hook-up fees. (6-0 Vote)

## PUBLIC HEARING - APPEAL OF DEMOLITION ORDER

Mayor Mullen opened the public hearing set for 3:45 p.m. on an appeal of Demolition Order issued by the Building Standards Commission for 1100 E. 9th Street Building A & B.

Mr. Jim Smith, Director of Building Inspection, told Council both of the structures have been sub-standard since 1982 and demolition is recommended. There have been several fires in the structures. Staff supports denial of appeal.

Motion

The Council, on Councilmember Duncan's motion, Councilmember Rose's second, closed the public hearing and DENIED the appeal of Demolition Order. (6-0 Vote)

## REHEARING IN ZONING CASE

Councilmember Rose introduced to Council an item to consider applicant's request for rehearing in Zoning Case No. C14-84-455. He said this is on the Crestview Neighborhood Zoning case on Tisdale and Anderson Lane. "The applicant feels like the property is not deed restricted, but neighborhood feels like it still is. There was a valid petition against the property. Dr. Urdy's motion centered on the fact there was a deed restriction although I have been advised by Legal we don't have to consider deed restrictions in our determination of a zoning. Since that is what most of the discussion centered on I told him I would put it on the agenda and see if Council wanted to rescind and have another public hearing or do nothing."

Ted Butler, applicant, said he was unfairly treated in the zoning change request because the opposition as well as the staff recommended it not be changed because of deed restrictions. He checked with his attorney and according to him there are no deed

restrictions on those lots. He passed a letter to Council, so stating. Mr. Butler requested a rehearing.

Councilmember Duncan asked questions and said he did not base his vote on deed restrictions.

Chip Harris read for the record: "It is distressing for a neighborhood association as well as adjacent property owners to be faced with intrusions into the neighborhood. Along Tisdale Drive we have enjoyed the ambiance of a cohesive neighborhood with interaction and association among neighbors who are friends. To reconsider this case when the Council voted 6-0 on March 7, 1985 for denial, is confusing to all of us. Concerning the deed restrictions, there are more important questions as to why your action is appropriate and final over a month ago. This structure faces Tisdale Drive. Even when Mr. Butler applied for the zoning he provided the Office of Land Development Services with the address at 7812 Tisdale Drive. Tisdale Drive has only residential use. Staff addressed the precedent of office zoning on Gault Drive as another reason for not recommending the zoning. There are other reasons mentioned but the main reason is spot zoning. Mr. Butler purchased a house zoned for residential purposes. He was aware of that zoning at the time of acquisition. It should not be necessary for other property owners along Tisdale to roll over and play dead to allow him to realize his personal gain and deprive this neighborhood of its residential character". Mr. Harris reminded Council there is a valid petition against the zoning change. He said he has a letter from a real estate attorney stating his legal opinion that deed restrictions do apply. Mr. Harris said Councilmembers should have received the letter.

Councilmember Shipman stated she seconded Dr. Urdy's motion because the motion was to deny and would have made a motion on her own if he had not. She said it would be spot zoning.

Mayor Mullen asked if there is a motion to reverse Council action. "Hearing no motion we will go on to the next item."

#### THE DOLLAR FOLLOWS THE PATIENT

Councilmembers Rose and Shipman introduced an item to Council to consider a resolution to petition the Governor and the Legislature of Texas to study "The Dollar Follows the Patient" document and adopt its principles for funding MHMR services in Texas.

Jeff Hurd, chairman of Board of Trustees Austin/Travis County MH/MR Center, said they have worked with the Legislature concerning this and are asking the City and County to support their efforts with the plan directing dollars from the institutions out to the Center which are receiving patients who have been discharged.

Motion

The Council, on Councilmember Shipman's motion, Mayor Mullen's second, adopted a resolution to petition the Governor and the Legislature of Texas to study The Dollar Follows the Patient document and adopt its principles for funding MHMR services in Texas. (6-0 Vote)

## STATE LEGISLATIVE MATTERS

Piet Sybesma, Inter-Governmental Relations, discussed the report presented to Council outlining the status of legislation falling in the category Council has adopted to support or oppose. "A number of bills have also been filed that are outside the categories or general areas you have given approval for the staff or legislative consultant to lobby the Legislature on. These bills have been reviewed by the City staff and are recommended to you to take a position in favor of or in opposition of as indicated in the report."

Mayor Mullen asked if Council wanted to discuss them individually or pass on the package.

Councilmember Shipman referred to Page 3, Item B5 and said they did not want to take action on that.

Motion

The Council, on Councilmember Shipman's motion, Councilmember Duncan's second, approved the proposal, deleting Item D. 5. (6-0 Vote)

## ZONING HEARING

Mayor Mullen announced Council would hear the following zoning case. Council heard, closed the public hearing, granted and instructed the City Manager to instruct the City Attorney to draw the necessary ordinances.

C14-84 DANIEL WIMMER II  
464 By John Bolt  
Harris

12201 & 12202  
Tanglewild Drive

From "SR" 1st H&A (RR)  
To "SF-1"  
RECOMMENDED subject to a  
written agreement prior  
to City Council hearing.

GRANTED, SUBJECT TO DEVELOP LOTS 7 & 8 TO A MAXIMUM  
OF NINE LOTS UNDER SF-1

(On Councilmember Shipman's motion, Mayor Mullen's second, 6-0 Vote, Councilmember Spaeth absent.)

**PUBLIC HEARING - DRIVEWAY CUTS ON EAST RIVERSIDE DRIVE**

Mayor Mullen opened the public hearing set for 4:00 p.m. on an ordinance prohibiting additional driveway cuts on East Riverside Drive.

After Allen Brecher, Director of Urban Transportation presented his recommendations, Councilmember Rose asked for more information in writing from staff.

**Motion**

The Council, on Councilmember Shipman's motion, Mayor Mullen's second, voted to continue the public hearing on April 25, 1985 at 4 P.M. (6-0 Vote)

**PUBLIC HEARING - NORTHWEST AREA AMENDMENTS TO AUSTIN METROPOLITAN AREA ROADWAY PLAN**

Mike Aulich, Office of Land Development Services, outlined the proposals to the Austin Metropolitan Area Roadway Plan.

Councilmember Shipman asked for a written definition of a parkway.

Scott Ingram, Dennis Pepperell, John Redden, Mike Weaver, Chuck Manson, Glenn Kirby, Mr. Haverlah, Harold Griffin, Vern Numm, Andrea Brewer, Martha Kirby, Robert Heyser, Mike Guerrero, Brad Burns, Will Wilson, Joann Calderoa, John Collier and T.R. Krieke all spoke about their opinions concerning the proposals regarding the roads.

**Motion**

The Council, on Mayor Pro Tem Trevino's motion, Mayor Mullen's second, closed the public hearing. (6-0 Vote)

**Motion**

The Council, on Councilmember Rose's motion, Councilmember Urdy's second, approved the following: (6-0 Vote)

1. Highway Department to define parkway.
2. Staff recommendation on Howard Lane Roadway Plan.

Council directed staff to place the issue of Parmer Lane on the May 2, 1985 agenda at 5:00 p.m. for a vote.

## HEARINGS POSTPONED

The following hearings, scheduled for 4:30 p.m. were postponed indefinitely:

- Amend Chapter 9-10 (Rivers, Lakes and Watercourses) by amending the boundary of the Lake Austin Watershed to include the South Shore of Town Lake from Tom Miller Dam to Zilker Park; and passage of ordinance.
- Amend Chapter 13-3 (Subdivision Ordinance) Section 13-3-601a amending the boundary of the Lake Austin Watershed to include the South Shore of Town Lake from Tom Miller Dam to Zilker Park; and passage of ordinance.
- Amend Chapter 13-2 (Zoning Ordinance) Section 13-2-65a by amending the boundary of the Lake Austin Watershed to include the South Shore of Town Lake from Tom Miller Dam to Zilker Park; and passage of ordinance.

## ZONING HEARING

Mayor Mullen announced Council would hear the following zoning cases. Council heard, closed the public hearing, granted and instructed the City Manager to direct the City Attorney to draw the necessary ordinances:

C14r-85 007	LARRY LANGLEY, TRUSTEE By E.M. Sykes Company, Inc.	4106 RR 620	From Interim "RR" (I-SR 1st H&A) To "GO" (O 2nd & 3rd & 4th H&A)
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RECOMMENDED

GRANTED "GO" FOR BUILDINGS 3 & 4, "LO" ON BALANCE

(On Councilmember Shipman's motion, Mayor Mullen's second, 6-0 Vote)

C14-84 318	ALLANDALE BAPTIST CHURCH ET AL By R.G. Converse	10500 Jollyville Road	From Interim "AA" 1st H&A (I-SF-2) To "GO"
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RECOMMENDED subject to  
TIA submittalEMERGENCY PASSAGE OF ORDINANCEGRANTED AS RECOMMENDED

(On Councilmember Shipman's motion, Councilmember Duncan's second, 6-0 Vote)

C14-84 J.B. GOODWIN &  
446 DOUG BACHMAN  
By Donna H.  
Kristaponis

7208-7236 Manchaca  
Road

From "A" 1st H&A (SF-3)  
To "LR" & "B" 1st H&A  
(LR & MF-3)  
NOT RECOMMENDED  
RECOMMENDED "BB" 1st H&A  
limited to 18 units per  
acre.  
GRANTED AS RECOMMENDED

(On Councilmember Shipman's motion, Mayor Mullen's second, 6-0 Vote)

#### RECESS

Council recessed its meeting at 7:30 p.m. and resumed its recessed meeting at 8:00 p.m.

#### PUBLIC HEARING - STREET VACATION

Mayor Mullen opened the public hearing set for 5:45 p.m. on vacation of a certain alley on Swisher Street.

Richard Ridings, Director of Public Works, reviewed. No one else appeared to be heard.

#### Motion

The Council, on Councilmember Shipman's motion, Councilmember Urdy's second, closed the public hearing, waived the requirement for three readings and finally passed an ordinance vacating that certain alley parallel to Swisher Street (2200 Block) that traverses Block 31, Christian and Fellman Additions, East 23rd Street at IH 35. (Request submitted by the University of Texas and Villa Capri Partners, Inc.) (File C10v-84-013) (6-0 Vote)

#### ZONING HEARING

Mayor Mullen announced Council would hear the zoning hearing set for 4:00 p.m. Council heard, closed the public hearing and granted as recommended and directed the City Manager to direct the City Attorney to draw the necessary ordinances.

h-85 BLOMQUIST HOUSE 1000 E. 14th Street  
001

From "SF-3"  
To "SF-3" (H)  
RECOMMENDED  
GRANTED AS RECOMMENDED

(On Councilmember Shipman's motion, Councilmember Duncan's second, 6-0 Vote)

## ZONING HEARING TO BE CONTINUED

Mayor Mullen announced Council would hear the following zoning case scheduled for 5:00 p.m. Council heard and voted to continue the public hearing as follows:

-84 E.C. MOWDY  
409 By Paul Scofield

913 E. Braker Lane

Interim "AA" 1st H&A  
(I-SF-2)  
To "CS"  
RECOMMENDED (as amended)  
subject to site plan.  
CONTINUE PUBLIC HEARING ON  
MAY 23, 1985 AT 4 P.M.

Motion

The Council, on Councilmember Duncan's motion, Mayor Mullen's second, closed the public hearing. (6-0 Vote)

Motion

Councilmember Shipman made a motion, seconded by Councilmember Duncan to support the staff recommendation.

Substitute Motion

Mayor Pro Tem Trevino's motion, seconded by Councilmember Urdy to continue the public hearing on May 23, 1985 at 4 p.m., was approved by a vote of 6-0.

## REPORT ON BRACKENRIDGE HOSPITAL

City Manager Carrasco presented Jim Butler, who presented a report on proposals concerning Brackenridge Hospital

## PUBLIC HEARING - RECOMMENDATIONS ON BRACKENRIDGE HOSPITAL

Mayor Mullen opened the public hearing set for 5:30 p.m. on recommendations on Brackenridge Hospital. The following people spoke: Andra Tone, Cookie Smith, Ruby Goodwin, Peter Fears, Kay Frances Rawley, Gussie Houston, Karen Langley, Stuart Hersh, Lynetta Cooper, Dr. David Cheney, Charlotte Flynn, Sinclair Bradley, Janice Robinson.

Motion

The Council, on Mayor Pro Tem Trevino's motion, Mayor Mullen's second, voted to continue the public hearing on recommendations on Brackenridge Hospital to May 9, 1985 at 7 p.m. (6-0 Vote)

## FORTUNE 500 LETTER

City Manager Carrasco reported on the Fortune 500 letter to be sent out concerning capabilities in Austin.

Councilmember Duncan asked that this be placed on the April 25, 1985 agenda for action under resolutions with a time certain of 3 p.m.

## EXECUTIVE SESSION

Mayor Mullen announced Council will go into Executive Session pursuant to Article 6252-17, Texas Revised Civil Statutes Annotated, to discuss the following matters and action, if any, on the matters will be taken during the public meeting after the conclusion of the Executive Session:

- a. Board and Commission Appointments - Section 2, Paragraph g.
- b. Pending Litigation, including but not limited to the following items - Section 2, Paragraph e.
  - (1) Houston Lighting and Power Company, et al v. Brown and Root, et al in Matagorda County and City of Austin vs. Houston Lighting and Power Company in Travis County - Section 2, Paragraph e.

## RECESS

Council recessed for executive session from 10:00 p.m. to 10:55 p.m.

## BOARD AND COMMISSION APPOINTMENTS

The Council, on Councilmember Shipman's motion, Mayor Mullen's second, appointed the following to the Task Force for the Homeless: (6-0 Vote)

Doyal Nelms, Carole Phillips, Ed Wendler, Wesley Pearson, Dick Rathgeber, General Marshall, Enrique Lopez, Michael Curry, Jack Morton and Marcy Goodfleisch

The Council, on Councilmember Urdy's motion, Mayor Pro Tem Trevino's second, appointed J.M. Richard to the Ethics Commission. (6-0 Vote)

## ADJOURNMENT

Council adjourned its meeting at 11 p.m.